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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,442	08/18/2003	Li Chin Ou Chen	USDP2208T-LCOC	7988

7590 11/03/2004
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EXAMINER

NGUYEN, KIEN T

ART UNIT PAPER NUMBER

3714

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,442

Applicant(s)

CHEN, LI CHIN OU

Examiner

Kien T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17, 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiroshi Yugi U.S. Patent 3,506,265.

Hiroshi Yugi disclosed a ball comprising an inflatable bladder (1) which inherently having a valve stem extended there-from in order to inflate the bladder; a construction ball pocket (2) made of fabric material and integrally constructed to form a hollow round ball body with stitching (see column 2, lines 32-35), having an interior receiving cavity defined to sealedly receive the bladder as shown in Fig. 2 and inherently a valve hole for the valve stem extended therethrough; the pocket including a plurality of pocket leaves as shown in Fig. 3 integrally connected edge to edge at (8) together to form the pocket with a spherical shape; the pocket are connected with each other by overlapping and integrally bonding edges sections of each of the leaves with the edge sections of the adjacent leaves therearound by means of vulcanizations with heat (see column 2, lines 51-55) (applicant's claims 1-3, 223). Regarding the product-by-process claims 4-17, these claims are not limited to the manipulations of the recited steps, only to the structure implied by the steps and the above discussion of the structure of the ball of Hiroshi Yugi clearly meet the structure of the claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshi Yugi.

Although Hiroshi Yugi does not specifically disclose a method of manufacturing a ball pocket bladder, the disclosure of Hiroshi Yugi clearly teach the structure of the bladder that is made by the obvious method as set forth in these claims. For example, the pocket leaves of Hiroshi Yugi are obviously integrally connected by edge with edge with overlappingly edge sections as described above and the bladder must be insert into the pocket by an opening, and the pocket leaves are applied with adhesives as discussed in column 2. Accordingly, such disclosure clearly constitutes the steps as set forth in claims 18 and 19.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshi Yugi as applied to claim 18 above, and further in view of Chow U.S. Patent 6,457,119.

It is noted that Hiroshi Yugi does not specifically teach the steps as set forth in claim 20. However, Chow disclosed a method of making a ball having a step of applying a thermo plastic urethane to a segmented fabric to form a shell material, and die cutting the shell material into a plurality of shell sub-components (see column 2, lines 1-6). Accordingly, it would have been obvious to one of ordinary skill in the art to

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modify the steps as inherently taught by Hiroshi Yugi with the steps as discussed by Chow for the purpose reducing the steps of removing too many sub-components after the applying adhesive step.

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshi Yugi in view of Guenther et al U.S. Patent 5,681,233.


Hiroshi Yugi failed to teach the ball carcass having a plurality of cushion pads as set forth in these claims. However, Guenther et al clearly show a ball carcass having a plurality of cushion pads (16) made of sponge rubber. Therefore, it would have been obvious to one of ordinary skill in the art to modify the carcass of Hiroshi Yugi with the cushion pads as taught by Guenther et al for the purpose of enhancing the feel of the ball.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (703) 308-2493. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kien T. Nguyen
Primary Examiner
Art Unit 3714

Ktn